

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RACHAEL DENHOLLANDER, et al.,

Plaintiffs,

HON. GORDON J. QUIST

v.

Lead Case No. 1:17-CV-29

MICHIGAN STATE UNIVERSITY, et al.,

Defendants.

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**ORDER REGARDING ORAL ARGUMENT**

Oral argument on the Twistars Defendants' motions to dismiss is set for May 1, 2019, at 2:00

PM. (ECF No. 576.) The Court will devote two (2) hours to the hearing, allocated as follows:

1. The effect of USA Gymnastics, Inc.'s bankruptcy on the Twistars Defendants' motions: **5 minutes**.
2. The statute of limitations, particularly, the effect of the 2018 amendment on Plaintiffs' claims and whether the savings period set forth in M.C.L. § 600.5851b(3) applies to Plaintiffs' claims against the Twistars Defendants: **40 minutes**. In connection with this issue, counsel shall be prepared to address Plaintiffs' Joint Motion to Permit Discovery (ECF No. 213) filed in the lead case and member cases 1:17-CV-222, 288, 349, and 257. Counsel shall also be prepared to address whether it may be appropriate for the Court to certify to the Michigan Supreme Court the issue of whether the savings period set forth in M.C.L. § 600.5851b(3) applies to otherwise time-barred claims against parties who did not actually perpetrate the sexual assault. *See* W.D. Mich. LCivR 83.1; M.C.L. § 600.215; M.C.L. § 7.305(B)(1).
3. Plaintiffs' negligence-based claims, including, but not limited to: (1) the basis of Twistars' liability to gymnasts or other Plaintiffs who had no connection with, and were never treated or abused at, Twistars; (2) the relationship between Twistars and Nassar, i.e., employee, agent, or volunteer; (3) the bases for imposing liability on Twistars: **40 minutes**.
4. Plaintiffs' fraud claims: **10 minutes**.

5. Certain Plaintiffs' Masha's Law claims: **15 minutes**.

The times set forth above shall be divided equally between the Twistars Defendants and Plaintiffs. Plaintiffs shall designate one attorney to argue each issue or claim identified above, although the same attorney need not argue all issues.

Last, the Court will reserve **10 minutes** at the conclusion of the hearing for issues not addressed above. Such issues shall be limited to those addressed in the Twistars Defendants' omnibus reply and may be raised only by Plaintiffs who filed a supplemental response.

**IT IS SO ORDERED.**

Dated: April 11, 2019

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE